THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20511 OF 2007

DATED: 8-10-2007

Between:

Rohit Dubey and another

… Petitioners

And :

Osmania University, Hyderabad and two others

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20511 OF 2007

ORAL ORDER

The petitioners assail the letter of the 1st respondent dated.2-07-2007 in consequence whereof the petitioners became disentitled to pursue 2nd year first semester B.E. Course in the 3rd respondent-Engineering College.

The petitioners appeared at the 1st year examination first and second semesters in the examinations held during April/May 2007. The memorandum of marks dated.29-06-2007 declared them "detained", apparently on the ground that they had a backlog of failed subjects in excess of the permissible limits. The petitioners applied for revaluation and on revaluation were issued a memorandum of marks dated.12-09-2007 declaring that they had cleared in five subjects and as a consequence were declared eligible for promotion.

According to the applicable academic regulations issued by the 1st respondent, for promotion from one year to the next *inter alia* the total number of backlogs shall not exceed 50% of the total number of subjects prescribed. As a consequence of the initial evaluation of the petitioners' performance during the April-May 2007 examination the petitioners' backlog exceeded 50% and therefore they became ineligible for promotion to the 2nd year. On revaluation since they had passed in five subjects, their backlog fell below 50% and they became eligible. The petitioners' grievance is that by the impugned circular the 1st respondent has disabled the petitioners entitlement to

admission to the 2nd year course.

It is the admitted position that the 2nd year classes commenced in first week of July-2007. The revaluation results were declared on 12-09-2007, nearly two months after the commencement of the classes. The duration of the semester is about six months. The petitioners would have lost about 1/3rd of the current academic session. However since they are now cleared for promotion, they seek to exercise the right and privilege of attending the 4th year classes.

On behalf of the respondent-University it is contended that the direction in the impugned letter disabling readmission to the 2nd year four weeks after the commencement of the classes is designed to enable the requisite percentage of attendance in case of admissions after the commencement of classes. Sri Deepak Bhattacharjee would contend that if there is a four weeks shortage of attendance a student will not able to put in the requisite period of attendance that entitles him to sit in the examination.

On behalf of the petitioners, it is contended that what percentage of attendance could be made up in the remaining part of the current session whether any shortfall could be made up by attending extra classes or a special schedule of instruction provided by the management, is a premature consideration at this stage and ought not to disable the petitioners admission into 2nd year.

In the circumstances the writ petition is disposed of directing the respondents to permit the petitioners to attend the B.E. 2nd year-first semester in the 3rd respondent-College, consequent on the declaration by the 1st respondent that the petitioners have been promoted. Neither the promotion ordered by the 1st respondent consequent on the revaluation of the 1st year papers of the petitioners nor the petitioners' attending the 2nd year first semester course pursuant to the present

order of this Court shall *per se* entitle the petitioners to appear at the final examination for the current academic session. That would depend upon the petitioners having the requisite of attendance as mandated by law. This Court does not pronounce upon the right of the 3rd respondent-Management to make available additional hours of instruction to make up the shortfall of the attendance. That is a matter to be determined in accordance with the extant regulations of the University.

The writ petition is disposed of as above. The petitioners shall be permitted to attend the course of instruction to the 2nd year classes in the 3rd respondent-College. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

8th OCTOBER 2007
***TSNR/pvsn**